

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION

IN RE:	)	CHAPTER 13
TOMMY YOUNG	)	
	)	CASE NO. R10-44726-MGD
	)	
DEBTOR(S)	)	

**MOTION TO DISMISS**

COMES NOW, Mary Ida Townson, Standing Chapter 13 Trustee in the above-styled matter and files this, her Motion to Dismiss, respectfully showing the Court the following:

1.

The Debtor(s) filed for relief under Chapter 13 of Title 11 on December 07, 2010.

2.

Section 109(h), as added to the United States Bankruptcy Code by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, requires that an individual obtain credit counseling within the 180-day period preceding the date of filing in order to be eligible for relief under Title 11 of the United States Code. 11 U.S.C. § 109(h).

3.

The above-referenced counseling must be obtained from a nonprofit budget and credit counseling agency approved by the United States Trustee and a certificate from the approved agency that provided the credit counseling must be filed with the Court. 11 U.S.C. §§ 111 and 521(b).

4.

Section 109(h)(3) provides a waiver of the credit counseling requirement to individuals with exigent circumstances. 11 U.S.C. § 109(h)(3). To obtain this waiver, an individual must

file a certification with the Court that

- i. describes the exigent circumstances that merit a waiver;
- ii. states that he or she requested credit counseling services from an approved credit counseling agency, but was unable to obtain said services during the five-day period beginning on the date on which he or she made the request; and
- iii. is satisfactory to the Court.

5.

According to the Court's docket, neither a certificate from an approved agency nor a certificate of exigent circumstances has been filed with the Court.

6.

As the requirements of 11 U.S.C. Section 109(h) have not been met, the Debtor(s) is (are) not eligible for relief under Title 11 of the United States Code.

WHEREFORE, based on the foregoing, the Trustee respectfully requests the Court inquire into the foregoing, dismiss the instant case, and grant such further relief as the Court deems just and proper.

/s/

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Mary Ida Townson  
Standing Chapter 13 Trustee  
Georgia Bar Number 715063  
100 Peachtree Street, Suite 2700  
Atlanta, Georgia 30303  
(404) 525-1110  
maryidat@atlch13tt.com

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**NOTICE OF HEARING ON MOTION TO DISMISS CASE**

PLEASE TAKE NOTE that the Chapter 13 Trustee has filed a Motion To Dismiss and related exhibits with the Court seeking an Order Of Dismissal.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on **February 02, 2011 at 10:00 AM** in **Courtroom 342, Federal Building, 600 East First Street, Rome, GA 30161.**

Failure to appear at the hearing or failure to resolve the matter prior to the hearing may result in the dismissal of your case. You should read this motion carefully and discuss it with your attorney, if you have one in your bankruptcy case (if you do not have an attorney, you may wish to consult one). If you do not want the Court to grant the dismissal of your case, you and/or your attorney must attend the hearing unless you have settled the matter prior to the hearing.

This day, 1/4/2011.

\_\_\_\_\_  
/s/

Mary Ida Townson  
Standing Chapter 13 Trustee  
State Bar No. 715063  
100 Peachtree Street, Suite 2700  
Atlanta, GA 30303  
(404) 525-1110

**CERTIFICATE OF SERVICE**

R10-44726-MGD

This is to Certify that I have this day served

Trustee Address On File

Bankruptcy Court Address On File

TOMMY YOUNG  
95 WOODLAND BRIDGE DRIVE  
ADAIRSVILLE, GA 30103

(Same as Trustee Address)

with a copy of the foregoing Motion to Dismiss together with the Notice of Hearing on

Motion to Dismiss Case by depositing in the United States Mail a copy of same in a

properly addressed envelope with adequate postage thereon.

DATED: 1/4/2011

/S/

MARY IDA TOWNSON, TRUSTEE  
State Bar No. 715063  
100 Peachtree Street, Suite 2700  
Atlanta, GA 30303  
(404) 525-1110